

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

MARCH 22, 2004

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER

INVOCATION Father Art Kerwin – St. Peter’s Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions
March 8, 2004

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

1. Resolution of commendation for Pete Dugan, honoring his steadfast commitment to the cause of Veterans Plaza in Overton Park.

Ordinances

HOOKS	2.	ORDINANCE – SECOND READING – (ZTA 03-002 CC) [Chip Saliba, OPD]
(Deferred to 4/12/04 per OPD)		A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance, adopted by the Shelby County Board of Commissioners on October 7, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, so as to make certain changes therein as follows: <ol style="list-style-type: none">1) Amend <u>Section 29 – Signs</u>, Subsection III – Definitions; Subsection IV – Classification of signs; Subsection V – Signs Prohibited; Subsection VI – General Standards; Subsection VII – Permanent On-Premise Sign Regulations; Subsection XII – Violations; and Creating a new Subsection XIII – Enforcement and Penalties.2) Amend <u>Section 30 – Non-conformities</u>, Subsection E – Non-conforming On-Premise and Off-Premise Signs - Providing for severability; Providing for repeal of conflicting ordinance Requirements; And providing an effective date.

Zoning and Subdivisions

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| HOOKS

(Approved in committee) | 3. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer. |
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Reports and/or Resolutions of Standing Committees

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| KIRK | 4. Resolution approving the sale of twenty-nine delinquent tax parcels from tax sale(s) 53, 54, 89.4, 89.5, 96.1, 96.2, and 99.1 pursuant to provision of the TCA 67-5-2507. |
| KIRK | 5. Resolution approving 5% out of class pay for a Clerical Specialist B in the Juvenile Court Clerk's office. |
| KIRK | 6. Resolution approving the reclassification of a position in the Shelby County Trustee's office. |
| KIRK | 7. Resolution calling the Shelby County Board of Equalization into Regular Session for the Tax Year 2004 and setting the terms thereof. |
| LILLARD | 8. Resolution increasing bid award to Stabilization, Inc. for FY2003/2004 Cement Stabilization by the amount of \$40,000.00. |
| LILLARD | 9. Resolution amending the FY2004 Operating Budget to reflect relief funds awarded by the Tennessee Emergency Management Agency in response to the extraordinary windstorm of July 22, 2003. |
| AVERY | 10. Resolution approving expenditure of funds in the amount of \$212,203.21 to various vendors for the purchase of medical supplies for the residents of Oakville Health Care Center. |
| AVERY | 11. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$736,100.00 for HIV/AIDS Prevention and Surveillance Services between January 1, 2004 and December 31, 2004 and amending the FY2003/2004 Operating Budget. |
| AVERY | 12. Resolution in support of a 55 mph speed limit for trucks during Ozone Season in Early Action Compact Areas; in support of Anti-Idling Provisions in Early Action Compact Areas; in support of statewide Anti-Tampering Provisions; and in support of statewide requirements for Reasonably Available Control Technology (RACT) for sources of Nitrogen Oxides; all strategies to attain the 8-Hour Ozone Standard not later than 2007 in Shelby County. |

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| THOMPSON | 13. | Resolution approving sub-grants in the amount of \$45,760.00 and \$14,219.00 respectively, net of required matching contributions to the Commission on Missing and Exploited Children and the Shelby County Schools pursuant to the Juvenile Accountability Block Grant for the term October 1, 2003 to September 30, 2004. |
| THOMPSON | 14. | Resolution appropriating funds and approving a contract amendment between Shelby County Government and Printrak International, Inc. a Motorola Company, in the amount of \$125,801.00 for additional maintenance and support of the Sheriff's office Automated Fingerprint Identification System. |
| THOMPSON | 15. | Resolution appropriating funds and approving a contract between Shelby County Government and Printrak International, Inc., a Motorola Company, in the amount of \$414,529.00 to upgrade the Sheriff's office Computer Aided Dispatch System. |
| MOSS | 16. | Resolution to approve payment to the City of Memphis Division of Park Services for services provided under the agreement between the Shelby County Conservation Board and the Memphis Park Commission dated March 31, 1964 for the fiscal years 2003-2004 through 2008-2009. |
| MALONE | 17. | Resolution rescinding previously approved resolution approving Homestead Program Transfer of property and reassigning property to the Real Estate office for sale. |
| MALONE | 18. | Resolution approving the transfer of title of five parcels of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985 authorizing the implementation of the Shelby County Homestead Program. |

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

HOOKS

19.

[Deferred by city 1/20; therefore county Deferred to 1/26/04; then county deferred to 2/23/04, then deferred to 3/8, deferred to 3/22; Deferred to 4/12]

ORDINANCE – THIRD READING – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

HOOKS

20.

ORDINANCE – THIRD READING - (ZTA 03-005 CC)
[Chip Saliba, OPD]

(Deferred to 2/23, deferred to 3/8)
(deferred to 3/22; deferred to 4/12)

A Joint Ordinance amending the Memphis and Shelby County Zoning Ordinance – Regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and the City Council of the City of Memphis on October 7, 1980, being Resolution and Zoning Ordinance No. 3064, as amended, so as to make certain changes therein as follows:

Amend Zoning Ordinance to amend Neighborhood Commercial (C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow residential uses in the C-N District and Chart 2 (Bulk Regulations).

Zoning and Subdivisions

HOOKS

21.

CASE NO. S.U.P. 03-218 CC – FITE ROAD LANDFILL

APPLICANT: JACS, LLC

LOCATION: North side of Fite Road; +/- 2,356 feet west of Tay-for Drive

REQUEST: Landfill for Agricultural and Construction/Demolition Waste (Class III/IV)

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, March 12, 2004.)

(WITHDRAWN)

HOOKS

22.

CASE NO. S 04-005 CC

APPLICANT: RUSCO

(Deferred to 4/12)

LOCATION: Northwest corner of Migaldi Drive and Nicholas Lane

REQUEST: **APPEAL:** Joint Resolution approving the appeal of the Pinnacle Point Neighborhood Association, Inc. by overturning the action of the Memphis/Shelby County Land Use Control Board approving Pinnacle Point Subdivision, Resubdivison of Lots 106 & 107 (Case No. S 04-005 CC) located on the east northwest corner of Migaldi Drive and Nicholas Lane.

[Pinnacle wants to overturn LUCB decision – vote will be to support appeal or turn down appeal]

Memphis and Shelby County Office of Planning and Development recommendation:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS

(No notice of public hearing in newspaper of general circulation required; however, notice letters to interested property owners mailed on Friday, March 12, 2004.)

Reports and/or Resolutions for Standing Committees

MALONE

23.

Resolution endorsing Tennessee General Assembly Joint Resolution 71.

Announcements/Statements

Adjournment

24.

Resolution of Adjournment to April 12, 2004.